

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED REGULAR MEETING

January 30, 2008

6:30 p.m. - Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

January 30, 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Architectural Services for Westminster Rose Center.

RECESS:

AGENDA

January 30, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARCH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

A. Presentation from Delma Salmeron, Family Resource Center Supervisor

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board/Authority Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

January 30, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of January 23, 2008.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Claims Against the City** (Eddie Manfro)

RECOMMENDATION: Staff recommends the Mayor and City Council deny claims against the City from:

- a) Automobile Club on behalf of Datu Buenaventura in the amount of \$9,035.69.
- b) Jennie Mai in the amount of \$1,000.00.
- c) Gaylord Daney in an unknown amount.

- 1.3 **Agreement No. D07-164 with the County of Orange for Proposition 42 City Aid Program for Fiscal Year 2008-2009** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement and authorize the Mayor to execute the agreement on behalf of the City.

AGENDA

January 30, 2008

1. CONSENT CALENDAR (Continued)

1.4 Amendment No. 2 to Professional Engineering Services Agreement for Street Improvements on Arizona Street between Westminster Boulevard and Hospital Circle, the Alley from Arizona Street to end, and Old Edwards Street between Edwards Street and Industry Way (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 2 to the Professional Engineering Services Agreement with Norris Repke in the amount of \$3,450.00, and authorize the City Manager to execute the amendment on behalf of the City.

1.5 Amendment No. 1 to New Water Meter Installation and Meter Exchange Program City-Wide FY 2006/07 Contract (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Amendment No. 1 to the New Water Meter Installation and Meter Exchange Program City-Wide – FY 2006/07 Contract with Atlas Allied in the amount of \$200,000.00, and authorize the City Manager to execute the amendment on behalf of the City.

1.6 Acceptance of Final Tract Map No. 16528 for 7861 23rd Street (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Final Tract Map No. 16528 and authorize the City Clerk to sign and seal the map.

1.7 Acceptance of Easement Deed for 6501 Trask Avenue (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the easement deed for the subject property and authorize the City Clerk to record the easement deed with the County Recorder's Office.

1.8 Award of Contract for Street Improvement Project at Various Locations – Project No. CTB 05-06-07 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the award of contract to the low qualified and responsive bidder, All American Asphalt in the amount of \$1,118,373.00; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

AGENDA

January 30, 2008

1. CONSENT CALENDAR (Continued)

1.9 Notice of Completion for Median Island Improvements for Westminster Boulevard from Beach Boulevard to Bushard Street – Project No. P-2126 – Federal Aid Project No. RPSTPLE-5338(032) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the work performed by Sequel Contractors, Inc. on the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.10 Agreement for Construction and Maintenance of a Storm Drain Line along Newland Street from Westminster Blvd. to the County Flood Control Channel (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement with the City of Garden Grove and authorize the City Manager to execute the agreement on behalf of the City.

1.11 Cooperative Agreement No. C-6-0830 for City-Initiated Transit Extensions to Metrolink (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve Cooperative Agreement No. C-6-0830 between the City of Westminster and the Orange County Transportation Authority and authorize the Mayor to execute the agreement on behalf of the City.

1.12 Agreement for the City to Provide Limited Financial Support for the 2008 TET Parade (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an agreement with the Vietnamese Heritage and Cultural Foundation of America to provide for limited financial support for the 2008 TET Parade and authorize the City Manager to execute the agreement on behalf of the City.

AGENDA

January 30, 2008

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.13 Resolution No. 4137 – A Resolution of the Mayor and City Council of the City of Westminster Granting an Appeal of the Planning Commission’s Denial of a Request to Allow the Sale and Consumption of Beer and Wine (Alcoholic Beverage Control Type 41 License) at an Existing Restaurant (El Taco Grill), Located at 8481 Heil Avenue, #H (Assessor’s Parcel Number: 107-511-01) (Case No. 2007-71). Applicant/Appellant: Jorge M. Navarro; Property Owner: Tai Hong. (Art Bashmakian)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4137.

ADMINISTRATIVE ITEMS

- 1.14 Annual Fee Waivers for Community Groups/Non-Profit Organizations. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a blanket request for fee waivers from community groups/non-profit organizations for use of City facilities for Calendar year 2008, as referenced in Exhibit “A” attached to the staff report.

- 1.15 Facility Use Request – Westminster Chapter of the Barbershop Harmony Society. (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the use of the East/West room for the Westminster Chapter of the Barbershop Harmony Society’s weekly rehearsals.

WARRANT REGISTER

- 1.16 (City Council/Redevelopment Agency) Warrant Register dated January 9 through 22, 2008. (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.17 Minutes of the Commission on Aging meeting held November 12, 2007 (Greg Johnson)**

RECOMMENDATION: Receive and file.

AGENDA

January 30, 2008

1. CONSENT CALENDAR (Continued)

1.18 Minutes of Traffic Commission meetings held on November 27 and December 25, 2007 (Marwan Youssef)

RECOMMENDATION: Receive and file.

1.19 Treasurer's Report – December 2007 (Paul Espinoza)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on January 23, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of January 23, 2008.

- 1) Case 2007-50 (Variance). Request to provide nine parking spaces where 11 spaces are required.

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4. PUBLIC HEARINGS – None.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – None.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Appeal of Police Permit Revocation for International Billiards - 6328 Westminster Boulevard (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council deny the appeal of the police permit revocation for International Billiards located at 6328 Westminster Boulevard.

6.2 Agreement to Fund Westminster Senior Center Project (Ray Silver)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an agreement with the County of Orange accepting the County of Orange Capital Improvement Grant in the amount of \$40,000 for improvements to the restroom facilities at the Westminster Senior Center, and authorize the City Manager to execute the agreement on behalf of the City;
- 2) Authorize a budget transfer of funds in the amount of \$40,000 from the General Fund Undesignated Unreserved Fund Balance to the Senior Center Capital Improvement Project;
- 3) Increase the General Fund Intergovernmental Revenue Budget by \$40,000; and
- 4) Authorize a budget transfer of funds in the amount of \$32,000 from the Redevelopment Fund Contingency to the Senior Center Capital Improvement Project (newly created CIP Project).

AGENDA

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.3 Purchase of One Used Sedan – Unit No. 1020 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Transfer \$18,000 from Motor Pool Fund Balance to the Equipment Replacement Capital Project; and
- 2) Approve an increase to the purchase order to Ray's Auto Sales in the amount of \$18,000 and authorize the purchase of one used sedan from Ray's Auto Sales.

6.4 Selection of the Mid-Year Study Session for the Fiscal Year 2007-08 Budget (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board consider Wednesday, February 20, 2008 at 6:00 p.m. in the Council Chambers for the Mid-Year Study Session for the Fiscal Year 2007-2008 Budget.

6.5 Discussion of Future Plans to Revisit the Structuring of Water Rates (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council: receive and file this report.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS –None.

9. COMMISSION AND COMMITTEE ITEMS – None.

10. COUNCIL/AGENCY ADJOURNMENT: To Wednesday, February 6, 2008 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, CA to hear presentations from nonprofit agencies and City departments applying for FY 2007-08 HOME/CDBG funds and discuss City/Agency matters.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary